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Attorneys for Mr. Melo-Samper

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE BARRY T. MOSKOWITZ)

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUADALUPE HERAS

DE MELO-SAMPER (1),

ERICK MELO-SAMPER HERAS (2),

Defendant.

Case No.: 08cr0211-BTM

Date: February 29, 2008

Time: 1:30 p.m.

**NOTICE OF MOTIONS AND
 MOTIONS TO:**

- (1) DISMISS THE INDICTMENT DUE TO
 MISINSTRUCTION OF THE GRAND
 JURY;**
- (2) PRESERVE AND INSPECT EVIDENCE;**
- (3) COMPEL DISCOVERY;**
- (4) JOIN IN CO-DEFENDANTS' MOTIONS;
 AND,**
- (5) GRANT LEAVE TO FILE FURTHER
 MOTIONS**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
 STEWART M. YOUNG, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on February 29, 2008, at 1:30 p.m., or as soon thereafter as counsel may be heard, the accused, Erick Melo-Samper Heras, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

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MOTIONS

Defendant, Mr. Melo-Samper, by and through his attorneys, Jason I. Ser and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) Dismiss the Indictment Due to Misinstruction of the Grand Jury;
- (2) Preserve and Inspect Evidence;
- (3) Compel Discovery;
- (4) Join in Co-Defendant's Motions; and,
- (5) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

DATED: February 15, 2008

/s/ Jason I. Ser
JASON I. SER
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Attorneys for Mr. Melo-Samper
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